

Section L - Instructions, Conditions, and Notices to Bidders

TABLE OF CONTENTS

L.1	FAR 52.215-1 Instructions to Offerors - Competitive Acquisition. (JAN 2004)	2
L.2	52.214-35 Submission of Offers in U.S. Currency. (APR 1991)	2
L.3	52.214-34 Submission of Offers in the English Language. (APR 1991)	2
L.4	FAR 52.215-16 Facilities Capital Cost of Money. (JUN 2003)	2
L.5	52.215-22 Limitations on Pass-Through Charges--Identification of Subcontract Effort. (OCT 2009)	2
L.6	FAR 52.216-1 Type of Contract. (APR 1984)	2
L.7	FAR 52.216-27 Single or Multiple Awards. (OCT 1995)	2
L.8	FAR 52.222-22 Previous Contracts and Compliance Reports. (FEB 1999)	2
L.9	FAR 52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation. (FEB 1999)	2
L.10	FAR 52.233-2 Service of Protest. (SEP 2006)	2
L.11	FAR 52.252-1 Solicitation Provisions Incorporated by Reference. (FEB 1998)	2
L.12	DEAR 952.227-84 Notice of Right To Request Patent Waiver. (FEB 1998)	2
L.13	DEAR 952.233-2 Service of Protest.	3
L.14	DEAR 952.233-4 Notice of Protest File Availability. (SEP 1996)	3
L.15	DEAR 952.233-5 Agency Protest Review. (SEP 1996)	3
L.16	FAR 52.247-6 Financial Statement. (APR 1984)	3
L.17	FAR 52.252-1 Solicitation Provisions Incorporated by Reference. (FEB 1998)	3
L.18	DEAR 952.219-70 DOE Mentor-Protégé program. (MAY 2000)	3
L.19	DEAR 970.5223-3 Agreement regarding Workplace Substance Abuse Programs at DOE facilities. (DEC 2000)	4
L.20	DOE-L-1003 Offer Acceptance Period	4
L.21	DOE-L-1004 Number of Awards	4
L.22	DOE-L-1005 False Statements	4
L.23	DOE-L-1006 Expenses Related to Offeror Submissions	4
L.24	DOE-L-1012 Guidance for Prospective Offerors - Impact of Teaming Arrangements on Small Business Status	4
L.25	DOE-L-1015 Notice of Intent - Use of Non-Federal Evaluators and Advisors	5
L.26	DOE-L-1027 Other Than Cost or Pricing Data	5
L.27	EMCBC-L-1001 General Instructions – Questions Concerning the Solicitation	6
L.28	EMCBC-L-1002 Proposal Preparation Instructions - General	6
L.29	EMCBC-L-1003 Proposal Preparation Instructions - Offer and Other Documents - Volume I	9
L.30	EMCBC-L-1004 Proposal Preparation Instructions - Technical Proposal - Volume II	10
L.31	EMCBC-L-1005 Instructions for Preparing Cost Proposals – Volume III	13
L.32	EMCBC-L-1006 Questions on Solicitation	17
L.33	DOE-L-1020 Intention to Propose	18
L.34	EMCBC-L-1007 List of Section L Attachments	18

Section L - Instructions, Conditions, and Notices to Bidders

- L.1 FAR 52.215-1 Instructions to Offerors - Competitive Acquisition. (JAN 2004)**
- L.2 52.214-35 Submission of Offers in U.S. Currency. (APR 1991)**
- L.3 52.214-34 Submission of Offers in the English Language. (APR 1991)**
- L.4 FAR 52.215-16 Facilities Capital Cost of Money. (JUN 2003)**
- L.5 52.215-22 Limitations on Pass-Through Charges--Identification of Subcontract Effort. (OCT 2009)**
- L.6 FAR 52.216-1 Type of Contract. (APR 1984)**

The Government contemplates a single award of an Indefinite Delivery/Indefinite Quantity (IDIQ) contract for which Firm Fixed Price, Cost-Plus-Award-Fee, Cost-Plus-Fixed-Fee or Cost-Plus-Incentive-Fee Task Orders may be issued throughout the period of performance of the contract.

- L.7 FAR 52.216-27 Single or Multiple Awards. (OCT 1995)**
- L.8 FAR 52.222-22 Previous Contracts and Compliance Reports. (FEB 1999)**
- L.9 FAR 52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation. (FEB 1999)**
- L.10 FAR 52.233-2 Service of Protest. (SEP 2006)**

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from [*Contracting Officer designate the official or location where a protest may be served on the Contracting Officer.*]

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

- L.11 FAR 52.252-1 Solicitation Provisions Incorporated by Reference. (FEB 1998)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): [<http://www.acquisition.gov/far/>]

- L.12 DEAR 952.227-84 Notice of Right To Request Patent Waiver. (FEB 1998)**

Offerors have the right to request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of the contract that may be awarded as a result of this solicitation, in advance of or within 30 days after the effective date of contracting. Even where such advance waiver is not requested or the request is denied, the contractor will have a continuing

right under the contract to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the contract. Domestic small businesses and domestic nonprofit organizations normally will receive the patent rights clause at DEAR 952.227-11 which permits the contractor to retain title to such inventions, except under contracts for management or operation of a Government-owned research and development facility or under contracts involving exceptional circumstances or intelligence activities. Therefore, small businesses and nonprofit organizations normally need not request a waiver. See the patent rights clause in the draft contract in this solicitation. See DOE's patent waiver regulations at 10 CFR part 784.

L.13 DEAR 952.233-2 Service of Protest.

As prescribed in 48 CFR 933.106(a), add the following to the end of the provision at FAR 52.233-2:

(c) Another copy of a protest filed with the General Accounting Office shall be furnished to the following address within the time periods described in paragraph (b) of this clause: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, S.W., Washington, DC 20585, Fax: (202) 586-4546.

L.14 DEAR 952.233-4 Notice of Protest File Availability. (SEP 1996)

(a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective Offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103- 355. Such request must be in writing and addressed to the contracting officer for this procurement.

(b) Any Offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective Offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, Offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.)

L.15 DEAR 952.233-5 Agency Protest Review. (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the contracting officer prior to filing a protest.

L.16 FAR 52.247-6 Financial Statement. (APR 1984)

L.17 FAR 52.252-1 Solicitation Provisions Incorporated by Reference. (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): <http://www.acquisition.gov/far/>

L.18 DEAR 952.219-70 DOE Mentor-Protégé program. (MAY 2000)

L.19 DEAR 970.5223-3 Agreement regarding Workplace Substance Abuse Programs at DOE facilities. (DEC 2000)

L.20 DOE-L-1003 Offer Acceptance Period

The Offeror's proposal shall be valid for 180 calendar days after the required due date for proposals.

L.21 DOE-L-1004 Number of Awards

It is anticipated that there will be a single award resulting from this solicitation. However, the Government reserves the right to make any number of awards, or no award, if considered to be in the Government's best interest to do so.

L.22 DOE-L-1005 False Statements

Proposals must set forth full, accurate, and complete information as required by this solicitation (including attachments). The penalty for making false statements in proposals is prescribed in 18 U.S.C. § 1001.

L.23 DOE-L-1006 Expenses Related to Offeror Submissions

This solicitation does not commit the Government to pay any costs incurred in the submission of any proposal or bid, or in making necessary studies or designs for the preparation thereof or for acquiring or contracting for any services relating thereto.

L.24 DOE-L-1012 Guidance for Prospective Offerors - Impact of Teaming Arrangements on Small Business Status

(a) This procurement has been set aside for small business. In order to ensure that award is made to an eligible small business, prospective Offerors, in consultation with legal counsel, are encouraged to review the Small Business Administration's (SBA's) size eligibility standards found at Title 13 of the Code of Federal Regulations, Section 121 (13 C.F.R. § 121). In particular, Offerors proposing a joint venture, subcontracting, or another form of teaming arrangement should review 13 C.F.R. § 121.103, "How does SBA determine affiliation?" prior to submitting a proposal.

(b) The SBA is the sole authority for making determinations of small business status for small business programs. Such determinations are binding on the Offeror and the Contracting Officer. Accordingly, a finding by the SBA of affiliation between an Offeror and its proposed team member(s) or subcontractor(s) may result in the Offeror being found to be other than a small business and therefore ineligible for contract award.

(c) Business concerns are considered to be affiliates of each other if either one directly or indirectly controls or has the power to control the other, or if another concern controls both. In determining whether affiliation exists, factors such as common ownership (stock ownership or options, convertible securities and agreements to merge), common management, and contractual relationships are considered. An Offeror will also be found to be affiliated with its subcontractor(s) if the Offeror is unusually reliant upon its subcontractors or if the subcontractor(s) will perform primary and vital requirements of a contract.

(d) The SBA has issued several decisions concerning its evaluation of affiliation of an Offeror and its proposed subcontractor(s). The following examples set forth characteristics that the SBA has reviewed in considering the question of affiliation and may assist prospective Offerors in developing any teaming arrangements and their proposals.

(1) The SBA considers whether proposed subcontracting, partnership, joint venture, or other

teaming arrangements contain discrete descriptions of the tasks or work to be performed by each party. The SBA considers whether the Offeror or, if the Offeror is a joint venture or partnership, the joint venture participants or partners, perform the primary or vital portions of the Statement of Work. The SBA considers whether teaming arrangements clearly set forth the relationship between the parties, as well as the individual roles and responsibilities assigned.

(2) The SBA considers whether there is a clear separation of facilities, employees, and management (decision-making authority) between the Offeror and any entities with which it has teaming arrangements.

(3) The SBA considers the extent to which the Offeror directly employs Key Personnel (Program Manager, Project Manager, etc.).

(4) If the Offeror is an eligible small business prime contractor, the SBA considers whether the majority of the technical expertise resides with the Offeror. If the Offeror is an eligible joint venture the SBA considers whether the majority of the technical expertise resides among the joint venture members.

(5) The SBA considers the Offeror's profit sharing arrangements with its proposed subcontractor or other entities.

(6) In reviewing affiliation between the Offeror and its proposed subcontractors or entities with which the Offeror has a teaming arrangement, SBA considers the previous contractual or business relationships between the Offeror and that entity.

L.25 DOE-L-1015 Notice of Intent - Use of Non-Federal Evaluators and Advisors

The Government intends to utilize non-federal advisors for evaluating proposals received in response to this solicitation. Such evaluators and/or advisors shall be required to sign Nondisclosure Agreements in accordance with DEAR 915.207-7-(f) (6).

Under the statutes governing Procurement Integrity, non-federal advisors may not disclose any information learned by participating in this acquisition. Any company that employs such an individual, after his or her service as an advisor, cannot lawfully seek procurement-sensitive information, any attempt to do so constitutes a violation of the Procurement Integrity Act, 41 U.S.C. § 423.

L.26 DOE-L-1027 Other Than Cost or Pricing Data

The Contracting Officer has determined that cost or pricing data is not required for this solicitation. However, in accordance with FAR 15.403-3 and 15.403-5, information other than cost or pricing data is required to determine if the proposed costs are reasonable, realistic, and reflect a clear understanding of the solicitation requirements.

L.27 EMCBC-L-1001 General Instructions – Questions Concerning the Solicitation

Questions concerning this solicitation must be submitted via email at WVDP_ECS@emcbc.doe.gov within 30 calendar days after the release of the RFP. Questions submitted after that date may not allow the Government sufficient time to respond. Responses to questions will be posted at www.emcbc.doe.gov/wvdp_ecs.

Any information concerning this solicitation will be furnished promptly to all other prospective Offerors, if that information is necessary in submitting proposals or if the lack of it would be prejudicial to any other prospective Offerors. The identity of the prospective Offerors asking questions will be withheld.

The Government shall not respond to questions submitted by telephone or in person at any time. Offerors are encouraged to periodically check www.emcbc.doe.gov/wvdp_ecs to ascertain the status of any answers to questions, as hard copies will not be distributed.

L.28 EMCBC-L-1002 Proposal Preparation Instructions - General

- (a) General. Proposals are expected to conform to solicitation provisions and be prepared in accordance with this section. To aid in evaluation, the proposal must be clearly and concisely written as well as being neat, indexed (cross-indexed as appropriate) and logically assembled. All pages of each part must be appropriately numbered and identified with the name of the Offeror, the date, and the solicitation number.

The term "Offeror" as used in this Section L refers to the single legal entity submitting the offer which may be a "contractor team arrangement" as that term is defined in FAR 9.601. The Offeror may be preexisting or a newly formed business entity for the purposes of competing for this Contract.

- (b) Proposal Delivery. Hard copies of proposals shall be submitted to and marked as follows:

FROM: <Offeror insert applicable information>

TO:

The U.S. Department of Energy (DOE)
Environmental Management Consolidated Business Center (EMCBC)
250 E. Fifth Street, Suite 500
Cincinnati, Ohio 45202

RFP No: DE-SOL-0000872

Proposal Due Date and Time: February 2, 2010 – 4:00 p.m. EDT

Attention: Tamara Miles, Contracting Officer

NOTICE TO DOE MAIL ROOM: DO NOT OPEN. THIS IS A PROPOSAL UNDER THE ABOVE-IDENTIFIED SOLICITATION

Note: Offerors hand carrying proposals to the above address must telephone the Contracting Officer one business day in advance to arrange delivery.

If the Offeror elects to forward the Offer by means other than the U.S. Mail, it assumes the full responsibility of insuring that the Offer is received at the place and by the date and time specified in this solicitation. Facsimile or electronic commerce offers will not be accepted. Hand carried package(s) may only be delivered during the hours 8:00 a.m. to 4:00 p.m. local time on Federal workdays. Delivery to any other location than that specified herein is unacceptable.

- (c) Overall Arrangement of Proposal. The overall proposal shall consist of three (3) physically separated

volumes, individually entitled as stated below. Each volume shall contain a Table of Contents and a Glossary of Abbreviations and Acronyms. The required number of volumes of each proposal is shown below. Offerors shall not cross-reference to other volumes of the proposal and shall provide complete information within the appropriate volume. Information required for proposal evaluation, which is not found in its designated section, may result in an unfavorable evaluation. All cost and pricing information shall be submitted and addressed ONLY in the Cost and Fee Proposal Volume III, unless otherwise specified. This solicitation requires Offerors to submit its entire proposal in writing and electronic format as follows:

Proposal Volume — Title	Copies Required
Volume I - Offer and Other Documents	1 original, 5 copies and 5 CD-ROM
Volume II - Technical Proposal	1 original, 10 copies and 5 CD-ROM
Volume III – Cost and Fee Proposal	1 original, 10 copies and 5 CD-ROM

The cover and outside of each CD-ROM must clearly identify the volume to which it relates. Electronic media versions of proposal files are to be formatted in Adobe Acrobat 6.0 (PDF) or higher (note additional requirements in Section EMCBC-L-1005 for cost proposal information). The electronic media versions provided shall be searchable. The CD-ROMs are provided for SEB evaluation convenience only. The written material constitutes the official offer and proposal. In the event of a conflict, the written material takes precedence over the CD-ROM text.

- (d) Page Limitation. Page limitations are specified for each volume in the applicable sections that follow.
- (e) Page Count Exceptions. Every page of each volume shall be counted towards the page limitation for the respective volume, including attachments, appendices and annexes except for the Table of Contents, Title Pages, Glossary, Dividers/Tabs, Blank Pages, Representations and Certifications (which are to be submitted with the volume entitled “Offer and Other Documents”), Reporting Requirements Forms, Cross Reference Matrix, Schedules provided with the Sample Task.
- (f) Glossaries. Each volume shall contain a glossary of all abbreviations and acronyms used, including a definition for each.
- (g) Binding and Labeling. Each volume shall be separately bound in three-ringed loose-leaf binders. Staples shall not be used. The outside front cover of each binder shall indicate the Offeror’s name, the solicitation number, the title of the solicitation, and the copy number (i.e., sequentially number the required copies with the original being Copy No. 1). The same identifying data shall be placed on the spine of each binder to facilitate identification and accountability when placed in a vertical position. Pages shall be numbered sequentially by volume and by individual sections within each volume.
- (h) Page Description. Page size shall be 8.5 x 11 inches, not including foldouts. Page margins shall be a minimum of one inch at the top, bottom and each side. Pages shall be single sided. Two columns of text per page and use of bold-faced type are acceptable. The solicitation number, page number, date, name of Offeror, and the legend at FAR 52.215-1(e), “Restriction on Disclosure and Use of Data,” as appropriate, shall be provided on each page and is the only information that can be displayed within the one inch top, bottom, and side margins. A font size smaller than that which is described in the text below, can be used for this information; however, other text reductions are unacceptable.

Graphs, tables and spreadsheets where necessary must be 10 point or larger Arial or Times New Roman font type. All other text must be typed using 12 point (or larger), single-spaced, and using Arial or Times New Roman font type. Foldouts of charts, tables, diagrams or design drawings shall not exceed 11 x 17 inches. Foldout pages shall fold entirely within the volume. Page margins for the foldouts shall be a minimum of one inch at the top, bottom and each side. Foldouts may only be used in the Technical Volume for schedules and may be used in the Cost Volume for schedules, large tables,

charts, graphs, diagrams and other schematics.

Proposals will only be read and evaluated up to the page limitations. Page counting will begin with the first page of each item subject to a page limitation. Pages exceeding the page count will not be read or evaluated.

- (i) Table of Contents. The Offeror shall incorporate a table of contents into each proposal volume, which identifies the section, sub-section, paragraph titles, and page numbers. Also include a list of all tables and figures.
- (j) Cross-Reference Matrix. The Offeror shall provide a Cross-Reference Matrix which correlates the proposal by page and paragraph number to the Performance Work Statement (PWS), Section L, and Section M. The Cross-reference Matrix shall be inserted in the Offeror's proposal immediately following the Table of Contents for Volume II.
- (k) Classified Information. The Offeror shall not provide classified information in response to this solicitation.
- (l) Point of Contact. The CO is the sole point of contact during the conduct of this procurement.
- (m) Errors or Omissions. The solicitation is considered complete and accurate in every detail and adequately describes the Government's requirements. If the Offeror feels any part of the solicitation contains an error or omission, contact the CO to obtain clarification. To preclude unnecessary work and to assure submittal of a complete proposal, the Offeror is cautioned to resolve all questionable areas with the CO.
- (n) Changes to the Solicitation. No changes to this solicitation will be effective unless they are incorporated into the solicitation by amendment.
- (o) Information Provided. The Government will evaluate on the basis of information provided in the proposal. The Government will not assume that an Offeror possesses any capability.
- (p) Alternate Proposals. Alternate proposals are not solicited or desired and will not be evaluated or accepted.
- (q) Joint Ventures and/or LLCs and/or Any Other Teaming Arrangements. Offerors who submit a proposal as one of the above shall provide full and complete information on each of the participating members/companies, as well as the proposed organization itself. The Offeror shall provide copies or drafts of the applicable joint venture and/or LLC agreements, any applicable mentor/protégé agreements or arrangements, and/or arrangements with subcontractors. After award, DOE reserves the right to require consent to subcontract(s) for each of the proposed subcontractors or participating members/companies in accordance with FAR 52.244-2, Subcontracts (Section I).
- (r) Reading Room(s). An electronic reading room is available at http://www.emcbc.doe.gov/wvdp_ecs
- (s) Internet Sites. The Internet sites referenced throughout the solicitation can be found at the locations listed below:
 - Department of Energy Acquisition Regulation (DEAR) Clauses and Provisions: http://management.energy.gov/policy_guidance/procurement_acquisition.htm
 - FedConnect: <https://www.fedconnect.net/FedConnect/>
 - Federal Acquisition Regulation (FAR) clauses and provisions and Federal Acquisition Circulars

(FACs) which contain the most recent changes to the FAR: <http://www.arnet.gov/far/index.html>

- Federal Business Opportunities (FedBizOpps): <http://www.fbo.gov/>

(t) An Offeror should not assume that because it has had similar contracts with the Federal Government, including the Department of Energy that the evaluators have knowledge of its performance under such contracts and will make assumptions regarding your proposal based on that knowledge. Any proposals received in response to this solicitation will be reviewed strictly as submitted and in accordance with the evaluation criteria specified in Section M.

L.29 EMCBC-L-1003 Proposal Preparation Instructions - Offer and Other Documents - Volume I

(a) General

Volume I, Offer and Other Documents consists of the actual offer to enter into a contract to perform the desired work. Offerors shall assemble the information for Volume I organized in the sections as discussed below.

(b) Format and Content

Volume I, Offer and Other Documents, must include the following documents (in the order listed):

- (1) Standard Form (SF) 33, Solicitation, Offer and Award. The Standard Form 33 shall be fully executed by an authorized representative of the Offeror. The person signing the Proposal Form must have the authority to commit the Offeror to all of the provisions of the proposal, fully recognizing that the Government has the right, by terms of the solicitation, to make an award without further discussion if it so elects. The acceptance period entered on the Proposal Form by the Offeror must not be less than that prescribed in the solicitation provision entitled "Offer Acceptance Period", which must apply if no other period is offered. This execution shall include acknowledgement of all amendments. This form shall be used as the cover sheet of each copy of Volume I, Offer and Other Documents.
- (2) Additional Offeror Representations, Certifications, and Acknowledgments (other than those executed in the Online Representations and Certifications Application (ORCA)). Representations, Certifications and Other Statements of the Offeror (Section K) shall be fully executed by an authorized representative of the Offeror.
- (3) Exceptions and Deviations. Exceptions and/or deviations are not sought and the Government is under no obligation to enter into discussions. However, any exceptions and/or proposed deviations taken to the terms and conditions of the proposed contract shall be identified. The exceptions and proposed deviations should be listed in a logical sequence such as by individual sections of the solicitation. The Offeror shall provide a summary and specific cross-references to the full discussion of exceptions or deviations taken in the other proposal volumes. Any exceptions, deviations, or conditional assumptions to the terms of this solicitation will make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the solicitation, DOE may make an award to another Offeror that did not take exceptions and/or deviations to the terms and conditions of this solicitation.
- (4) Fee Ceiling. The Offeror shall include a completed Section B.2 EMCBC-B-1002 Fee Ceiling. The fee ceiling will be applicable to Cost Plus Award Fee and Cost Plus Fixed Fee Task Orders.
- (5) Recognition of Performing Entity. Offerors shall designate all entities that are proposed to perform work under the contract that are a part of the proposal upon which any contract award would be based. This includes subcontractors, joint venture members, parent(s), LLC members, etc.

- (6) Equal Employment Opportunity. The Offeror shall provide all of the information required to perform a pre-award on-site equal opportunity compliance evaluation in accordance with FAR 52.222-24. This information shall include, but not be limited to, the company name, address, phone number and the point of contact for equal employment opportunity matters. This information shall be provided for the Offeror, as well as, each joint venture member; members of a newly formed entity, including LLCs, formed for the purpose of performing this contract, or members of similar entities.
- (7) Additional Information. If the address shown on the SF 33 is different from the remittance address, it shall be provided along with any other information the Offeror needs to bring to the attention of the Government.

L.30 EMCBC-L-1004 Proposal Preparation Instructions - Technical Proposal - Volume II

The Technical Proposal consists of written information intended to present the Offeror's understanding, capabilities, and approach to satisfy the requirements of the PWS. The Technical proposal shall not exceed thirty (30) pages for Criterion 1 and Criterion 2; pages in excess of this will not be evaluated. For each Experience and Past Performance Reference Information Form, Attachment L-3, submitted in accordance with Criterion 3 and Criterion 4 below, Part A of the form is limited to three (3) pages; Part B of the form has no page limitation. No cost information shall be included in the Technical Proposal. Estimated labor hours and skill mixes shall be provided for the Sample Task, without associated cost, in the technical proposal.

The format and content of Volume II, Technical Proposal, shall consist of the following:

(1) Criterion 1 – Relevant Experience

DOE will evaluate the experience of the Offeror and any subcontractors, or in the case of a newly formed entity, each member, with respect to the type of work proposed and commensurate with the portion of the overall work being performed by each entity for all work completed in the last five (5) years or currently ongoing. The DOE will evaluate the depth and breadth of the Offeror, any subcontractors, and if a joint venture or a newly formed entity, each member's role in the management and execution of the experience cited. If the Offeror is a newly formed entity, the experience of the parent organizations or LLC members will be evaluated with respect to the type of work proposed and commensurate with the portion of the work to be performed by each entity.

The Offeror shall describe corporate experience in performing relevant work similar in size, scope and complexity to that described in the PWS. Size is defined as dollar value and duration. Scope is defined as the type of work (see Section C PWS). Complexity is defined as performance challenges such as planning and conducting environmental characterization programs that involve radionuclide contamination, managing and disseminating large amounts of field-collected data within very tight schedule constraints (e.g., 24 hour turn-around), etc. The Offeror shall submit information regarding its experience as well as relevant experience of any subcontractors and if a newly formed entity, the experience of each of the members. The Offeror shall describe the depth of its role in the management and execution of the experience cited.

The Offeror shall provide information for at least three (3) contracts for the Offeror and at least three (3) contracts for each major subcontractor. Past Performance Reference information shall be submitted on these same three (3) referenced contracts as stated below in Criterion 4 – Relevant Past Performance. If the Offeror is a newly formed entity, such as a joint venture or LLC, the Offeror shall provide information for at least three (3) contracts for each of the members of the joint venture and LLC. These contracts shall have been completed within the last five (5) years or currently ongoing. In addition, the Offeror shall

provide the contract number; issuing entity; contract cost/price; contract type, contact name, address, and phone number; and duration of the contract.

The experience information for each of the referenced contracts shall identify the portion of the work (size, scope, and complexity) that was performed by the Offeror under each reference contract. For example, if the Offeror was a partner company in an LLC or major subcontractor during performance of the referenced contract, then the Offeror shall identify the portion of work the Offeror performed as a partner company or major subcontractor during the referenced contract.

In addition to the historical information described above, the Offeror shall also clearly identify and define the portion of work to be performed by each entity (Offeror, major subcontractors, and/or member of joint ventures or LLC) under the Offeror's proposed approach to complete the work identified in the PWS for this solicitation.

(2) Criterion 2 Technical and Management Approach

The Offeror shall describe its approach to the following to meet the requirements stated in the Sample Task, found in Section L, Attachment L-1. Include a discussion of the intended method for accomplishment of the work and describe how the work will be performed to maintain quality results and enhance the objectives of the WVDP Site. Also include any technical innovations that will enhance the work. NOTE: For purposes of the sample task, the Offeror need only provide summarized contents of each of the deliverables/reports identified in the sample task as well as a listing and summarized contents of other documents/reports that the Offeror proposes in its approach as necessary to meet the requirements identified in the sample task. The Offeror shall use the government provided WBS structure presented in Schedule 4 of Section L, Attachment 8, and Cost Templates.

The Offeror shall discuss their understanding and approach to the following activities:

- **Project Management and Execution**

This includes planning and conducting environmental characterization programs that involve radionuclide contamination, with media including surface and subsurface soils, sediments, groundwater, and surface water. Offeror should describe approach to characterization and use of data collection technologies (e.g., buried infrastructure identification, sample acquisition, analytical methods, data management, etc.) proposed for use as part of the sample task. Includes approach and capability to deploy field screening methods and field or trailer-based analytical methods where appropriate (e.g., XRF, gamma spectroscopy, liquid scintillation, etc.) and Triad-based characterization strategies. The Offeror should propose an approach to handling and disposal of investigation derived waste as well as the adherence to enforceable schedules, identification, and design, if any proposed, of emerging and effective characterization technologies and managing and disseminating large amounts of field-collected data within very tight schedule constraints. Offeror should also describe decision-making strategies that will be used to guide data collection during the course of the sample task activities, and the approach to interfacing with other WVDP site contractors in the performance of the sample task.

- **Environment, Safety, Health and Quality Requirements**

This includes complying and adhering to applicable DOE orders and regulatory requirements.

- **Planned Organizational Structure To Perform Sample Task**

This includes an organizational chart with the types and number of people and rationale for the organizational structure.

- Risk Management

This includes project risks and the proposed approach to managing project risk as part of the sample task. The Offeror should identify uncertainties of relevance to the sample task and the proposed approach to eliminate, avoid or mitigate the risks. The Offeror should describe the integration of risk management with project management and execution of the sample task, allocation of risks between the Offeror and the Government, and the approach to identify and respond to emerging sample task risks.

- Schedule, sequence of activities and milestones, including integration of the DOE and regulator reviews

This includes but is not limited to development and implementation of a project management system compliant with DOE Orders, manuals, guides, and ANSI/EIA Standard 748-A Earned Value Management System. Estimated labor hours and skill mixes shall be provided, without associated cost, and consistent with the technical approach and schedules proposed.

(3) Criterion 3 - Key Personnel, Organization & Staffing

The Offeror shall describe its approach to obtain and provide the following qualified management personnel for performance of Task Orders over the period of performance of the contract in the following positions at a minimum: Environmental, Safety, Health and Quality Manager and Analytical Services Laboratory Manager.

The Offeror shall describe its approach to obtain and provide the following qualified technical personnel for performance of Task Orders over the period of performance of the contract in the following positions: Environmental Monitoring Technicians, Instrumentation Technician (Gamma Spec) , Radiological Controls Technicians, and Safety and Health Technicians.

The Offeror shall also describe its plan to staff the teams for Task Orders including the resources and expertise to assist in resolution of technical issues/problems and the integration of subcontractors and if a joint venture or a newly formed entity, each member, into a cohesive organization.

The Offeror shall describe the corporate support capability and expected usage, including any joint venture or teaming partners, LLC, or major subcontractors, especially focused toward corporate governance, routine corporate oversight, and involvement in the contract execution. Proposals received from a joint venture, team, or LLC must identify the one member/partner that will have a majority interest and be responsible for the Offeror's actions.

(4) Criterion 4 – Relevant Past Performance (Each Attachment L-3 Past Performance Reference Information Form shall not exceed 2 pages per referenced contract.)

The Offeror shall submit the following information as part of its proposal:

A written Past Performance Reference Information Form, Section L, Attachment L-3, for the same three contracts identified in the Criterion 1 – Experience section of the Offeror's proposal. The form shall identify the portion of the work (size, scope and complexity) that was performed by the Offeror under each reference contract. For example, if the Offeror was a partner company in an LLC or major subcontractor during performance of the referenced contract, then the Offeror shall identify the portion of work the Offeror performed as a partner company or major subcontractor during the referenced contract.

In addition to the historical information described above, the form shall also clearly identify and define the portion of work to be performed by each entity (Offeror, major subcontractors, and/or member of joint ventures or LLC) under the Offeror's proposed approach to complete the work identified in the PWS for this solicitation.

The Offeror is encouraged to and may provide information on problems encountered on the contracts identified above and corrective actions taken to resolve those problems. The problems should have been caused directly by the Offeror or ones that resulted from the Offeror's operations, policies, planning, scheduling, or practices including, but not limited to: serious injuries or fatalities; Price Anderson enforcement actions; regulatory notices of violation resulting from environmental non-compliances; late deliveries or missed schedules; cost overruns, etc.

The Offeror shall submit its environment, safety and health past performance information for the year-to-date and the past five years, on all public and private contracts, as shown in Section L, Attachment L-6, ES&H Past Performance Form. One Attachment L-6 shall be submitted for the Offeror as well as for each major subcontractor and each member of joint ventures or LLC newly formed for purposes of performing this contract, if any.

The Offeror shall provide the Past Performance Questionnaire, Section L, Attachment L-5, to each of the clients named on Attachment L-4. The Offeror shall require that the clients return the Past Performance Questionnaire directly to the address identified on Attachment L-6 no later than three (3) weeks after issuance of this solicitation.

The Offeror shall provide Attachment L-2, List of Terminated Contracts (partially or completely) within the past five (5) years.

Offerors are advised that the Government may contact any or all references in the proposal and other sources, including any Federal Government electronic databases, and that the information obtained may be used for both the responsibility determination and the past performance evaluation.

As Past Performance Information is source selection information, the Government will only discuss past performance information directly with the Offeror, any major or critical subcontractor, and if a joint venture or a newly formed entity, each member, that is being reviewed. No past performance information may be discussed without the subcontractor's permission. The Offeror should include a statement from the subcontractor that their past performance information may be discussed with the Offeror; otherwise, the information will not be discussed with the Offeror.

L.31 EMCBC-L-1005 Instructions for Preparing Cost Proposals – Volume III

The Offeror shall prepare its cost proposal for completion of the Sample Task, Attachment L-1, in accordance with the following instructions:

- (1) All cost and fee information shall be included in Volume III of the proposal. None of the information contained in Volume III should be included in any other proposal volumes unless specifically requested in the solicitation.
- (2) All pages in the Volume III Cost Proposal, including forms, tables, and exhibits must be numbered and identified in a volume table of contents. The cost proposal shall be sufficiently complete so that cross referencing to other proposal volumes is not necessary. **There is no page limitation on the cost proposal.**

- (3) The Offeror shall propose cost by fiscal year corresponding to the cost for performing the Sample Task.
FY is defined as the period October 1 to the following September 30. For proposal preparation purposes, Offerors shall assume an anticipated start date of April 1, 2010.
- (4) The Contractor shall propose Total Estimated Costs for the Sample Task, Base Fee and Award Fee. In addition, this information shall be presented in Schedule 1 of the Cost Templates.
- a. **Total Estimated Cost** – The Total Estimated Cost represents the cost for the sum total of all activities associated with the completion of the Sample Task. The Estimated Cost shall directly relate and be specified by the Work Breakdown structure specified in the attachments. Use of the government provided WBS structure presented in Schedule 4 of the Cost Templates is mandatory. Use of an alternate WBS structure will be considered an exception and may result in DOE considering the proposal non-conforming and make the offer unacceptable for award without discussions.
 - b. The use of the schedules provided in the attached Cost Templates is mandatory. Additional instructions are provided with the Cost Templates.
 - c. **Base Fee:** The base fee shall be 2% of the Estimated Cost.
 - d. **Award Fee:** The Contractor shall propose an Award Fee for the completion of all Sample Task requirements by the completion date. The Offeror shall propose a base plus award fee that equals the fee ceiling proposed in Section B.2 EMCBC-B-1002 Fee Ceiling.
- (5) The Offeror shall submit the cost portion of the proposal utilizing the Section L, Attachment L-6, Cost Templates and Instructions. The cost proposal shall include a breakdown of cost correlated with the SOW and consistent with the Offeror's technical proposal (including the proposed integrated critical path schedule) and the Summary of Costs by Cost Element Worksheet specified in Schedule 1 of the Cost Templates.
- (6) The Offeror shall provide a detailed narrative description of how the proposed costs by cost element were derived, including a brief discussion of work scope; summary statement of site conditions (including all major assumptions that were used to establish the site condition by WBS; assumptions shall be consistent with technical approach as well as the assumptions and information provided in the sample task (Attachment L-1); if the assumptions differ, the Offeror shall provide an explanation regarding rationale for submitting differing assumptions); summary of estimating methods, process and assumptions (including all major assumptions that were used to establish the Offeror's cost to perform the contract requirements and sources of estimating information); and other related information to provide a clear understanding of the Offeror's Basis of Estimate.
- (7) Cost data must be fully supported, documented and traceable. Offerors shall identify the source of proposed information and which amounts in the cost proposals are based on actual and verifiable data and which elements are based on judgments. For amounts based on actual and verifiable data, evidence shall be included in the proposal. For amounts based on judgment, the Offeror shall provide and discuss the judgmental factors used to project from the actual and verifiable data to the estimated value. Provide the basis for the cost estimate for each element, that is, how the rates were developed, the indirect rates are calculated and developed, selection of subcontractors/consultants, etc.
- (8) In addition, the cost information shall provide full traceability between the cost worksheets and be consistent with the following instructions:

- a. **Cost Worksheets:** A Summary of Costs by Cost Element Worksheet (Schedule 1) shall be completed in the format provided. This summary worksheet identifies the total cost proposed, by element, for the period of performance. For the Offeror, the totals on this sheet must agree with the element totals from Schedules 2 & 3, and the Summary of Costs by WBS Worksheet in Schedule 4.

A separate set of worksheets is required for each subcontractor and if a joint venture or newly formed entity, each member. The sheets for the Offeror shall include the subcontracted amounts on the subcontract line. For purposes of the sample task, fee shall not be proposed separately for the proposed subcontractors.

Consolidated Schedules of Costs by Element (Schedules 2 & 3) will be provided for each element of cost proposed on Schedule 1. If a separate summary worksheet is required for a subcontractor as discussed above, separate Consolidated Schedules of Costs by Element will also be required for the subcontractor.

A Summary of Costs by WBS Worksheet (Schedule 4) shall be prepared to identify the total cost proposed, by WBS, for the period of performance. The total cost for all WBS must agree with the total in the Summary of Cost by Cost Element in Schedule 1. The totals on this worksheet shall include subcontractors. Separate sheets are not required for subcontractors.

A separate Detailed Costs by Individual WBS Worksheets (Schedule 5) shall be prepared for each WBS, for each fiscal year. All subcontractors and if a joint venture or newly formed entity, each member's information can be provided on the same sheet as the Offeror's costs. However, separate sections of the spreadsheet shall be used for the subcontractors to provide traceability.

- b. **Cost Elements:** The cost proposal shall be provided by major cost elements: direct labor (including labor categories, direct labor hours and direct labor rates for each labor category type), fringe benefits, direct labor overhead (if applicable), material, material handling overhead (if applicable), equipment (including capital investments), subcontract cost (under \$500,000), supplies, travel/relocation, treatment cost, transportation cost (truck, rail, or other methods), disposal costs (by location), other direct costs, subcontractors and if a joint venture or newly formed entity, each member (shall be individually estimated and provided for by major cost elements as described in this paragraph), and General and Administrative (G&A) costs (if applicable).
- (i) Indirect Rates. The Offeror shall provide a detailed estimate for each indirect rate (fringe benefit, material handling, labor overhead and G&A, if applicable) proposed by fiscal year. The detailed estimate shall include cost, by cost element, for the allocation pool and the allocation base and how each cost element within the allocation pool and allocation base was derived. The Offeror shall provide all related information to provide a clear understanding of the basis of estimate. The Offeror shall compute all of the indirect rates by fiscal year. If the Offeror is proposing a blended indirect rate that is derived from the weighting of other indirect rates (e.g., blended fringe benefit rate), the Offeror shall provide the detailed computations for each of the individual indirect rates that is used in the computation of the blended rate by fiscal year and the methodology of how the blended rate was derived. This data shall be provided for subcontractors and if a joint venture or newly formed entity, each member.
- (ii) Escalation. The Offeror shall propose escalation at a rate of 2.8% for the Sample Task based on the DOE Office of Cost Analysis escalation rates.
- (iii) Contingency. The Offeror shall not separately propose contingency or management reserve at a summary level. Cost element entries should reflect the Offeror's total cost for that element.

- (iv) Schedule of Unit Prices for Waste Transportation and Disposal Fees. The volume of waste, costs, and the prospective disposal facility should be shown for each waste category below, as applicable to the Offeror's proposal (assume disposal using the current rates specified in the DOE-Energy Solutions Contract Number DE-AM24-98OH20053, as modified):
 - (a) Sanitary waste
 - (b) Soil disposed of radioactive waste
 - (c) Debris disposed of as radioactive waste
 - (d) Other waste categories the Contractor deems necessary
 - (v) Home Office Allocations. The Offeror shall provide a detailed explanation using the proposed corporate organizational structure as to whether corporate home office allocation is or is not applicable. If a corporate home office allocation is not proposed, the Offeror shall provide a contractually binding statement as part of the Offer, Volume I that the Offeror will not attempt to recover corporate home office costs in any Task Orders.
 - (vi) Direct Labor Hours. The Offeror shall use the format shown in Section L, Attachment L-7 to provide a direct labor hour summary by Offeror's hours, subcontractors hours, and if a joint venture or newly formed entity, each member's hours, and any other direct labor hours, cumulatively in total and by fiscal year, showing the total estimated direct labor hours consistent with its technical proposal. The Offeror shall provide direct labor hour summary, at the same WBS level provided in the Summary of Costs by WBS Worksheet (Schedule 4). The information provided in the worksheet shall be fully traceable to the cost proposal.
 - (vii) Schedule. The Offeror shall propose a resource loaded schedule with direct labor hours (no cost information shall be included) (utilizing either Primavera P6 or Microsoft Project), which shows individual activities for each WBS element in Schedule 4, Summary of Costs by WBS Worksheet. This schedule shall be consistent with and traceable to Volume II, Technical Proposal. (An electronic copy of the schedule in P6, or Microsoft Project shall be provided.)
- (9) The Offeror shall submit the cost portion of the proposal in hardcopy and electronic format (CD-ROM). Cost Proposal Information and any spreadsheets or mathematical computation shall be submitted using Microsoft Excel 2003 compatible. The Offeror's Excel files shall be working versions including formulas and computations. A second electronic file shall be provided in Adobe Acrobat 6.0 (PDF) or higher. Any written text for the Volume III Cost Proposal shall be submitted using Adobe Acrobat 6.0 (PDF) or higher. The electronic media versions provided shall be searchable.
- (10) The Offeror shall submit an explanation of how costs will be recorded and tracked in the proposed accounting system. If the Offeror's proposed accounting system will allocate costs through the use of an indirect costing rate, the indirect rate and an explanation is required to describe costs to be included in each of the indirect cost pools, as well as a description of each allocation base. Additionally, the Offeror shall describe its accounting system and the adequacy of that system for reporting costs against Government cost type contracts. The Offeror shall identify the cognizant Government audit agency or any other Government agency that has formally approved the accounting system, if applicable. This data must also be provided for any subcontractors and if a joint venture or newly formed entity, each member.

- (11) The Offeror shall provide the location (address and telephone number and point of contact) of where documentation supporting Volume III is located. The Offeror shall provide the name, address and telephone number of the cognizant Administrative CO and the cognizant Defense Contract Audit Agency (DCAA) office, if any. Additionally, the Offeror shall provide the name, address, and telephone number of person(s) authorized to provide any clarifying information regarding the Volume III Cost Proposal. If the Offeror is a joint venture, LLC, other teaming arrangement, or has subcontractor(s), this data must be provided for each entity.
- (12) If the Offeror, any subcontractors and if a joint venture or newly formed entity, each member, is covered by Cost Accounting Standards (CAS), the entities shall identify the cognizant Government audit agency or other Government agency that has formally approved the Disclosure Statement. The entities shall also identify whether the cognizant Government audit agency has issued any audit reports on the compliance with the CAS requirements.
- (13) Responsibility Determination and Financial Capability: FAR 9.104(a), General Standards, requires that a prospective Offeror have adequate resources to perform the Contract or the ability to obtain them in order to be determined responsible. It is the Offeror's responsibility to demonstrate its financial capability to complete this Contract. Information provided by the Offeror shall include, but not limited to, the following:
- a. Financial Statements (audited, if available) and notes to the financial statements for the last three (3) years;
 - b. The information in subparagraph (a) above for any subcontractors and if a joint venture or newly formed entity, each member;
 - c. The last three (3) annual reports for the Offeror, any subcontractors and if a joint venture or newly formed entity, each member

Using the above information and other information, the Government will make a FAR Part 9, Contractor Qualifications responsibility determination of the prospective awardees. The Government may request a financial capability review of each Offeror from the Defense Contract Audit Agency as part of the Government's consideration in making the responsibility determination.

- (14) Since the Sample Task is representative of the work to be performed under this contract and in order to determine the Offeror's responsibility under the Limitations on Subcontracting Clause (FAR 52.219-14), the Offeror must provide the following:

If the Offeror has any subcontractors and/or if a joint venture or newly formed entity, the Offeror must provide a breakout of each element of work to be performed as described in the cost proposal instructions above. The Offeror shall provide a chart breaking out the personnel costs by each concern. Personnel costs should include direct labor costs and any overhead, which has only direct labor as its base, plus the concern's general and administrative rate multiplied by the labor costs divided by total personnel cost.

- (15) The DOE may request additional supporting information for evaluation of cost in accordance with FAR 15.306(b).

L.32 EMCBC-L-1006 Questions on Solicitation

Offerors and interested parties are invited to submit questions regarding this solicitation process to the Contracting Officer at wvdp_ecs@emcbc.doe.gov. Questions will be answered on a periodic basis, and answers will be posted on the web page. All questions shall only be submitted to above email address; questions will not be answered if submitted to any other email address. **Questions submitted more than 10 calendar days after issuance of the solicitation may not be answered and may not be a basis for**

amending this solicitation.

L.33 DOE-L-1020 Intention to Propose

To enable us to anticipate the number of proposals to be evaluated, submit the name, address and telephone number of your firm or organization and any subcontractors to WVDP_ECS@emcbc.doe.gov. If the proposal is to be submitted by a teaming arrangement, submit the above information for all members of the proposing team.

L.34 EMCBC-L-1007 List of Section L Attachments

L-1	Representative Sample Task
L-2	List of Terminated Contracts
L-3	Experience & Past Performance Reference Information Form
L-4	ESH&Q Past Performance
L-5	Past Performance Questionnaire
L-6	Cost Templates and Instructions
L-7	Sample Direct Labor Hours Template